

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2008-0951-MSW-E TCEQ ID: RN105178941 CASE NO.: 36037
RESPONDENT NAME: JOSE DE LOS SANTOS DBA DE LOS SANTOS READY MIX

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 2 Industrial Boulevard, Eagle Pass, Maverick County</p> <p>TYPE OF OPERATION: Sand and gravel excavation and sorting facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired June 30, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Ms. Danielle Porras, Waste Enforcement Section, MC 128, (512) 239-2602 TCEQ Regional Contact: Ms. Rose Luna-Pirtle, Laredo Regional Office, MC R-16, (956) 753-4052 Respondent: Mr. Jose De Los Santos, Owner, De Los Santos Ready Mix, Rte. 6, Box 193, Eagle Pass, Texas 78852 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint</p> <p><input checked="" type="checkbox"/> Routine</p> <p><input type="checkbox"/> Enforcement Follow-up</p> <p><input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 23, 2008</p> <p>Date of NOE Relating to this Case: May 25, 2008</p> <p>Background Facts: The case was referred to the Litigation Division March 10, 2009. The Respondent signed the agreed order on May 5, 2009.</p> <p>Current Compliance Status: The Respondent is not yet in compliance.</p> <p>MSW: Failed to prevent the unauthorized disposal of municipal solid waste [30 TEX. ADMIN. CODE § 330.15(c)].</p>	<p>Total Assessed: \$1,050</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p><input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$150/\$900</p> <p>The Respondent \$150 of the administrative penalty. The remaining amount of \$900 shall be payable in 9 payments of \$100 each.</p> <p>Site Compliance History Classification Not Rated</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Immediately cease disposing of any additional municipal solid waste at the Facility. 2. Within 30 days, remove all municipal solid waste from the Facility and dispose of the waste at an authorized disposal facility. 3. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision Nos. 1 and 2.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	9-Jun-2008	Screening	12-Jun-2008	EPA Due	
	PCW	4-Mar-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Jose De Los Santos dba De Los Santos Ready Mix		
Reg. Ent. Ref. No.	RN105178941		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	36037	No. of Violations	1
Docket No.	2008-0951-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$1,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 5.0% Enhancement Subtotals 2, 3, & 7 \$50

Notes The Respondent received one NOV with same or similar violations.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$23
 Approx. Cost of Compliance \$641

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$1,050

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$1,050

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$1,050

DEFERRAL 0.0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral not offered for non-expedited settlement.

PAYABLE PENALTY \$1,050

Screening Date 12-Jun-2008

Docket No. 2008-0951-MSW-E

PCW

Respondent Jose De Los Santos dba De Los Santos Ready Mix

Policy Revision 2 (September 2002)

Case ID No. 36037

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN105178941

Media [Statute] Municipal Solid Waste

Enf. Coordinator Danielle Porras

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent received one NOV with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 12-Jun-2008	Docket No. 2008-0951-MSW-E	PCW
Respondent Jose De Los Santos dba De Los Santos Ready Mix	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36037	<small>PCW Revision June 12, 2008</small>	
Reg. Ent. Reference No. RN105178941		
Media [Statute] Municipal Solid Waste		
Enf. Coordinator Danielle Porras		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code § 330.15(c)	
Violation Description	Failed to prevent the unauthorized disposal of municipal solid waste, as documented during an investigation conducted on May 23, 2008. Specifically, the Respondent allowed approximately 40 cubic yards of municipal solid waste (brush and non-inert miscellaneous waste) to be disposed of at the Site.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	
	Potential				10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.
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Adjustment	\$9,000
\$1,000	

Violation Events

Number of Violation Events	1	20	Number of violation days
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<small>mark only one with an x</small>	daily		Violation Base Penalty
	monthly		
	quarterly	X	
	semiannual		
	annual		
	single event		

One quarterly event is recommended from the May 23, 2008 investigation date to the June 12, 2008 screening date.
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Good Faith Efforts to Comply

	0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary		
Ordinary		
N/A	X (mark with x)	

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,000
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$23
	Violation Final Penalty Total
	\$1,050
This violation Final Assessed Penalty (adjusted for limits)	
\$1,050	

Economic Benefit Worksheet

Respondent Jose De Los Santos dba De Los Santos Ready Mix

Case ID No. 36037

Reg. Ent. Reference No. RN105178941

Media Municipal Solid Waste

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$641	23-May-2008	6-Feb-2009	0.71	\$23	n/a	\$23
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove the municipal solid waste and dispose of it at an approved municipal solid waste disposal site. The Date Required is the investigation date and the Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$641

TOTAL

\$23

Compliance History

Customer/Respondent/Owner-Operator: CN602451452 DE LOS SANTOS, JOSE Classification: AVERAGE Rating: 3.01
Regulated Entity: RN105178941 2 INDUSTRIAL BLVD 1 BLOCK Classification: Site Rating:
SOUTHWEST
ID Number(s): MUNICIPAL SOLID WASTE NON ID NUMBER UNA455160066
Location: 2 INDUSTRIAL BLVD Rating Date: 9/1/2007 Repeat Violator: NO
EAGLE PASS, TX 78852
TCEQ Region: REGION 16 - LAREDO
Date Compliance History Prepared: July 02, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 02, 2003 to July 02, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Danielle Porras Phone: (512) 239-2602

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 05/30/2008 (680480)
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 03/27/2007 (555167)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 330, SubChapter A 330.5(a)
Description: Failure to prevent the disposal of municipal solid waste at an unauthorized disposal site.
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING

JOSE DE LOS SANTOS DBA DE
LOS SANTOS READY MIX;
RN105178941

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0951-MSW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Jose De Los Santos dba De Los Santos Ready Mix ("Jose De Los Santos") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Jose De Los Santos, appear before the Commission and together stipulate that:

1. Jose De Los Santos owns and operates a sand and gravel excavation and sorting business located at 2 Industrial Boulevard, Eagle Pass, Maverick County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and TCEQ rules.
3. The Commission and Jose De Los Santos agree that the Commission has jurisdiction to enter this Agreed Order, and that Jose De Los Santos is subject to the Commission's jurisdiction.
4. Jose De Los Santos received notice of the violations alleged in Section II ("Allegations") on or about May 30, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Jose De Los Santos of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of one thousand fifty dollars (\$1,050.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Jose De Los Santos paid one hundred fifty dollars (\$150.00) of the administrative penalty. The remaining amount of nine hundred dollars (\$900.00) of the administrative penalty shall be payable in nine monthly payments of one hundred dollars (\$100.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Jose De Los Santos fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Jose De Los Santos' failure to meet the payment schedule of this Agreed Order constitutes the failure by Jose De Los Santos to timely and satisfactorily comply with all of the terms of this Agreed Order
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Jose De Los Santos agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Jose De Los Santos has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

During an investigation conducted on May 23, 2008, a TCEQ Laredo Regional Office investigator documented that Jose De Los Santos violated 30 TEX. ADMIN. CODE § 330.15(c) by failing to prevent the unauthorized disposal of municipal solid waste, as documented during an investigation conducted on May 23, 2008. Specifically, Jose De Los Santos allowed approximately 40 cubic yards of municipal solid waste (brush and non-inert miscellaneous waste) to be disposed of at the Facility.

III. DENIALS

Jose De Los Santos generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Jose De Los Santos pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Jose De Los Santos's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Jose De Los Santos dba De Los Santos Ready Mix, Docket No. 2008-0951-MSW-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Jose De Los Santos shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, Jose De Los Santos shall cease disposing of any additional municipal solid waste at the Facility.
 - b. Within 30 days after the effective date of this Agreed Order, Jose De Los Santos shall remove all municipal solid waste from the Facility and dispose of the waste at an authorized disposal facility.
 - c. Within 45 days after the effective date of this Agreed Order, Jose De Los Santos shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached

documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Jose De Los Santos shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b. to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Rose Luna Pirtle, Waste Section Manager
Texas Commission on Environmental Quality
Laredo Regional Office
707 East Calton Road, Suite 304
Laredo, Texas 78041-3887

3. The provisions of this Agreed Order shall apply to and be binding upon Jose De Los Santos. Jose De Los Santos is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Jose De Los Santos fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Jose De Los Santos's failure to comply is not a violation of this Agreed Order. Jose De Los Santos shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Jose De Los Santos shall notify the Executive Director within seven days after Jose De Los Santos becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Jose De Los Santos shall be made in writing to the Executive Director. Extensions are not effective until Jose De Los

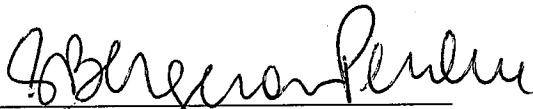
Santos receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Jose De Los Santos in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Jose De Los Santos, or three days after the date on which the Commission mails notice of the Order to Jose De Los Santos, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/17/2009

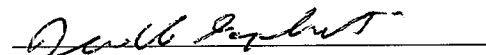
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Jose De Los Santos's compliance history;
- Greater scrutiny of any permit applications submitted by Jose De Los Santos;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Jose De Los Santos;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Jose De Los Santos; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

05/05/09
Date

JOSE DE LOS SANTOS
Name (Printed or typed)
Authorized representative of
Jose De Los Santos dba
De Los Santos Ready Mix

OWNER
Title